



*Commonwealth of Virginia*  
**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

PIEDMONT REGIONAL OFFICE  
4949-A Cox Road, Glen Allen, Virginia 23060  
(804) 527-5020 FAX (804) 527-5106  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

James J. Golden  
Regional Director

March 18, 2020

Mr. Robert W. Alston  
Sr. Director of Plant Operations  
US Smokeless Tobacco Company  
2325 Bells Road  
Richmond, VA 23234

Location: Richmond City  
Registration No.: 52609

Dear Mr. Alston:

Attached is an initial Title V permit to operate your facility pursuant to 9 VAC 5 Chapter 80 Article 1 of the Virginia Regulations for the Control and Abatement of Air Pollution. The attached permit will be in effect beginning April 1, 2020.

In the course of evaluating the application and arriving at a final decision to issue the permit, the Department of Environmental Quality deemed the application complete on December 28, 2018 and solicited written public comments by placing a newspaper advertisement in the Richmond Times-Dispatch newspaper on January 8, 2020. The thirty-day required comment period, provided for in 9VAC5-80-270 expired on February 7, 2020.

This permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil penalty. Please read all conditions carefully.

This approval to operate does not relieve US Smokeless Tobacco Company of the responsibility to comply with all other local, state, and federal permit regulations.

The Board's Regulations as contained in Title 9 of the Virginia Administrative Code 5-170-200 provide that you may request a formal hearing from this case decision by filing a

petition with the Board within 30 days after this case decision notice was mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director  
Department of Environmental Quality  
P. O. Box 1105  
Richmond, VA 23218

If this permit was delivered to you by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit, please contact the regional office at (804) 527-5020.

Sincerely,



---

Kyle Ivar Winter, P. E.  
Deputy Regional Director

JEK/AMS/52609\_02\_2020 TV Permit.docx

Attachments: Permit

cc: Chief, Air Enforcement Branch (3AP13), U.S. EPA, Region III  
Inspector, Air Compliance (electronic file submission)



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**Federal Operating Permit  
Article 1**

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: US Smokeless Tobacco Company  
Facility Name: US Smokeless Tobacco Company  
Facility Location: 2303 Bells Road  
Richmond, Virginia 23234  
Registration Number: 52609  
Permit Number: PRO52609

This permit includes the following programs: Federally Enforceable Requirements – Clean Air Act

April 1, 2020  
Effective Date

March 31, 2025  
Expiration Date

Kyle Ivar Winter P.E.  
Deputy Regional Director

18MAR2020  
Signature Date

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## **Facility Information**

### **Permittee**

US Smokeless Tobacco Company  
2325 Bells Road  
Richmond, VA 23234

### **Responsible Official**

Mr. Robert W. Alston  
Sr. Director of Plant Operations

### **Facility**

US Smokeless Tobacco Company  
2303 Bells Road  
Richmond, VA 23234

### **Contact Person**

Mr. Maurice Chemweno  
Manager, Environmental Engineering, Altria Client Services  
(804) 335-2493

County Plant Identification Number: 51-760-52609

Facility Description: Tobacco Manufacturing -NAICS: 312230

US Smokeless Tobacco Company manufactures moist smokeless tobacco products. This facility is a standby operation to perform the same function as the packaging plant in Tennessee, should the need arise. Until such time, this facility is operated intermittently to test the equipment. The permitted process is for the packaging of smokeless tobacco into cans for commercial sale. The smokeless tobacco is brought in from off-site in rolling bins. The tobacco is mixed and fluffed, if necessary, and is routed to either the loose packaging or the pouch packaging lines and then the packaged tobacco is boxed for shipment. Fugitive VOC is emitted from each phase of production. The facility operates under a single minor NSR permit issued on February 14, 2017 (as amended January 14, 2020) and is a part of the Title V major source consisting of the following additional tobacco product manufacturing facilities: Philip Morris USA Manufacturing Center (#50076), and John Middleton Co. (#52608), which are all owned by Altria Group Inc. and co-located along Bells Road/Commerce Road in Richmond, Virginia. Altria has requested that each company be permitted and registered separately, so each facility will be issued a separate Title V permit for the applicable requirements at their company.

## Emission Units

Equipment to be operated consists of:

Emission Unit ID*	Stack ID	Emission Unit Description (year of construction)	Size/Rated Capacity**	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
MX0101UST	Fugitive	Mixer/Fluffer (2017)	5,200 lbs/hr	None	--	--	February 14, 2017 (as amended January 14, 2020)
PK0101UST	Fugitive	Loose Packaging (2017)	7650 lbs/hr	None	--	--	February 14, 2017 (as amended January 14, 2020)
PK0201UST	Fugitive	Pouch Packaging (2017)	627 lbs/hr	None	--	--	February 14, 2017 (as amended January 14, 2020)
LB0101UST	Fugitive	Box Labeling (2017)	0.27 lb/hr VOC in ink	None	--	--	February 14, 2017 (as amended January 14, 2020)

\*The facility-wide conditions in the permit refer to all these units as a group known as the "smokeless tobacco packaging process" (STPP).

\*\*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

## Process Equipment Requirements – MX0101UST, PK0101UST, PK0201UST, LB0101UST

### Limitations

1. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) Limitations – Volatile Organic Compound (VOC) emissions from the smokeless tobacco packaging process (STPP) shall be controlled by limiting annual production of packaged tobacco.  
(9 VAC 5-80-110 and Condition 1 of the 02/14/2017 permit, as amended January 14, 2020)
2. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) Limitations – At all times the disposal of VOC shall be accomplished by taking measures, to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intentionally spilled, discarded in sewers which are not connected to a treatment plant, or stored in open containers, or handled in any other manner that would result in evaporation beyond that consistent with air pollution practices for minimizing emissions.  
(9 VAC 5-80-110 and Condition 2 of the 02/14/2017 permit, as amended January 14, 2020)

3. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) Limitations – The components of the smokeless tobacco packaging process (STPP) shall process no more than the following:

Component Process	Throughput	Units
MX0101UST Mixer/Fluffer	19,894	Tons of smokeless tobacco/year
PK0101UST and PK0201UST Loose and Pouch Packaging	26,389	Tons of smokeless tobacco/year
LB0101UST Box Labeling	1,720	Pounds of VOC from ink/year

Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.

(9 VAC 5-80-110 and Condition 4 of the 02/14/2017 permit, as amended January 14, 2020)

4. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) Limitations - Emissions from the operation of the smokeless tobacco packaging process (STPP) shall not exceed the limits specified below:

Volatile Organic Compounds                      11.9 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition 3.

(9 VAC 5-80-110 and Condition 7 of the 02/14/2017 permit, as amended January 14, 2020)

**Recordkeeping**

5. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) - Recordkeeping - The permittee shall maintain records of emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Piedmont Regional Office. These records shall include, but are not limited to:
- a. Annual throughput of smokeless tobacco (in tons) to the Mixer/Fluffer (MX0101UST), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - b. Annual throughput of smokeless tobacco (in tons) to the Loose Packaging (PK0101UST) and Pouch Packaging (PK0201UST) operations, calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - c. Annual throughput of VOC from inks (in pounds) to the Box Labeling (LB0101UST), calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
  - d. Monthly emissions calculations for VOC from the smokeless tobacco packaging process (STPP) using calculation methods approved by the Piedmont Regional Office to verify compliance with the annual emissions limitations in Condition 4.
  - e. Results of the ethanol emissions analysis for the MX0101UST, PK0101UST, PK0201UST required in Condition 6.
  - f. Scheduled and unscheduled maintenance and operator training;

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-80-110 and Condition 11 of the 02/14/2017 permit, as amended January 14, 2020)

**Monitoring and Testing**

6. Monitoring and Testing Requirements – (MX0101UST, PK0101UST, PK0201UST) – At such time that the facility has processed at least 3,600 tons of smokeless tobacco on a 12-month rolling total (loose and pouch packaging combined), the permittee shall perform the following procedures to determine the ethanol emissions from the tobacco processing and show compliance with the emission factors used in the determination of the emissions for MX0101UST, PK0101UST and PK0201UST:
- a. Collect samples of smokeless tobacco from delivery containers (rolling bins), from post-mixer/fluffer containers (tobacco is placed back into the original rolling bins), and from finished product containers (cans of loose packed or pouch packed smokeless tobacco).



- b. Analyze the samples for ethanol content.
- c. Use the test results and operating rates during the sampling to calculate ethanol lost per ton of tobacco processed across the mixer/fluffer and across the packaging equipment to compare against the following emission factors used in establishing the PTE for the operations:
  - i. MX0101UST: 0.614 lb of VOC/ton of tobacco processed
  - ii. PK0101UST/PK0201UST: 0.373 lb of VOC/ton of tobacco processed.

The results of this analysis shall be reported to the DEQ Regional Office within 60 days of completion. Additional analyses shall be required upon request from DEQ.  
(9 VAC 5-80-110)

### Reporting

- 7. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST, LB0101UST) - Reporting - The permittee shall submit semi-annual reports to the Director, Piedmont Regional Office documenting any instances of deviations of monthly throughputs of tobacco or VOC from the labeling ink, or excess emissions as calculated using approved calculation methods.  
(9 VAC 5-80-110)
- 8. Process Equipment Requirements – (MX0101UST, PK0101UST, PK0201UST) - Reporting – As required in Condition 6 above, the permittee shall report the results of the ethanol emissions analysis within 60 days of completion.  
(9 VAC 5-80-110)

### Insignificant Emission Units

- 9. Insignificant Emission Units - The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
None	None	None	None	None

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.  
(9VAC5-80-110)

### Permit Shield & Inapplicable Requirements

- 10. Permit Shield & Inapplicable Requirements - Compliance with the provisions of this permit shall be deemed in compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None	None	None

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## General Conditions

11. General Conditions - Federal Enforceability -All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.  
(9 VAC 5-80-110)
12. General Conditions - Permit Expiration –
  - a. This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.
  - b. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
  - c. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
  - d. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
  - e. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
  - f. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by

the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80, 9 VAC 5-80-110 and 9 VAC 5-80-170)

13. General Conditions - Recordkeeping and Reporting - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110)

14. General Conditions - Recordkeeping and Reporting -Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(9 VAC 5-80-110)

15. General Conditions - Recordkeeping and Reporting -The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
- b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
  - i. Exceedance of emissions limitations or operational restrictions;
  - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
  - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”

(9 VAC 5-80-110)

16. General Conditions - Annual Compliance Certification -Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than March 1 each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
  - b. The identification of each term or condition of the permit that is the basis of the certification.
  - c. The compliance status.
  - d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
  - e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
  - f. Such other facts as the permit may require to determine the compliance status of the source.
  - g. One copy of the annual compliance certification shall be sent to EPA in electronic format only. The certification document should be sent to the following electronic mailing address: R3\_APD\_Permits@epa.gov
- (9 VAC 5-80-110 K.5)
17. General Conditions - Permit Deviation Reporting - The permittee shall notify the Piedmont Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition 15 of this permit.
- (9 VAC 5-80-110 F.2)
18. General Conditions - Failure/Malfunction Reporting -In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, no later than four daytime business hours after the malfunction is discovered, notify the Piedmont Regional Office of such failure or malfunction and shall, within 14 days of discovery, provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject

to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Piedmont Regional Office.  
(9 VAC 5-80-110 and 9 VAC 5-20-180)

19. General Conditions - Severability - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.  
(9 VAC 5-80-110)
20. General Conditions - Duty to Comply - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.  
(9 VAC 5-80-110)
21. General Conditions - Need to Halt or Reduce Activity not a Defense - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.  
(9 VAC 5-80-110)
22. General Conditions - Permit Modification - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-110, 9 VAC 5-80-190 and 9 VAC 5-80-260)
23. General Conditions - Property Rights - The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9VAC 5-80-110)
24. General Conditions - Duty to Submit Information - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.  
(9 VAC 5-80-110 G.6)
25. General Conditions - Duty to Submit - Information - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110)

26. General Conditions - Duty to Pay Permit Fees - The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. In addition to an annual permit maintenance consistent with the requirements of 9VAC 5-80-2310 through 9VAC 5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the DEQ. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9 VAC 5-80-2340, adjusted annually by the change in the Consumer Price Index.  
(9 VAC 5-80-110, 9 VAC 5-80-340, and 9 VAC 5-80-2340)
27. General Conditions - Fugitive Dust Emission Standards - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:
- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
  - b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
  - c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
  - d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
  - e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.
- (9 VAC 5-80-110 and 9 VAC 5-40-90)
28. General Conditions - Startup, Shutdown, and Malfunction - At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
(9 VAC 5-80-110 and 9 VAC 5-50-20 E)

29. General Conditions - Alternative Operating Scenarios -Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.  
(9 VAC 5-80-110)
30. General Conditions - Inspection and Entry Requirements -The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
  - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
  - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  - d. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9 VAC 5-80-110)
31. General Conditions - Reopening For Cause - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
  - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.
- (9 VAC 5-80-110)

32. General Conditions - Permit Availability - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.  
(9 VAC 5-80-110 and 9 VAC 5-80-150)
33. General Conditions - Transfer of Permits –
  - a. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
  - b. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
  - c. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.  
(9 VAC 5-80-110 and 9 VAC 5-80-160)
34. General Conditions - Permit Revocation or Termination for Cause - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.  
(9 VAC 5-80-110, 9 VAC 5-80-190 C and 9 VAC 5-80-260)
35. General Conditions - Duty to Supplement or Correct Application - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.  
(9 VAC 5-80-110 and 9 VAC 5-80-80 E)
36. General Conditions - Stratospheric Ozone Protection - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.  
(9 VAC 5-80-110 and 40 CFR Part 82, Subparts A-F)
37. General Conditions - Asbestos Requirements - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following:



Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).  
(9 VAC 5-60-70 and 9 VAC 5-80-110)

38. General Conditions - Accidental Release Prevention -If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.  
(9 VAC 5-80-110 and 40 CFR Part 68)
39. General Conditions - Changes to Permits for Emissions Trading - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.  
(9 VAC 5-80-110)
40. General Conditions - Emissions Trading - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
  - a. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
  - b. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
  - c. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.  
(9 VAC 5-80-110)